

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 204

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 13, 2002
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Lakshmi Kambampati, Hindu, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of August 6, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SCHOLARSHIPS El Paso Scholarships Presentation was made to Amanda Kanngiesser and Joshua Straka.

PROCLAMATIONS Proclamations previously approved were presented.

PUBLIC AGENDA

Joe Wilson – Traffic Flow at Westdale/Zoo Boulevard/I-235 Intersection.

Frances Wilson Frances Wilson said the Westdale/Zoo Boulevard/I-235 intersection has traffic jams at least two times daily. Mrs. Wilson presented a map illustrating stoppage of traffic while right-turns are being made. Also illustrated were recommendations for improving traffic flow. Mrs. Wilson asked that some changes be made before the street is closed for other construction.

Mayor Knight Mayor Knight directed the proposal to Staff for study and consideration.

Eric Key – Kansas African American Museum Funding.

Eric Key Eric Key said this was the Museum's official request for funds in the amount of \$50,000, for annual program support, from the City. Mr. Key also asked the City to help find a prime museum location and to provide something in writing regarding the land as soon as possible. The Museum has an opportunity to bring Mr. Park's exhibition back to Wichita. Mr. Parks has asked for official documentation that the land is forth-coming before he will commit to providing his exhibit.

Mayor Knight Mayor Knight responded that City of Wichita residents provide seventy to seventy-five cents of every dollar of funding provided by Sedgwick County. Mayor Knight said that, in previous discussions with Mr. Key, indication was given that the City would look for a Museum location when evidence of financial support and formal fund raising was provided to the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 205

- Council Member Brewer Council Member Brewer said the City Council has a responsibility to demonstrate pride in rich heritage. The County and City need to figure out who the Museum does belong to – City or County, or both. This Museum should be included in the Museums on the River.
- Council Member Fearey Council Member Fearey said the Museum is in a position where the City is requiring fund raising; however, donors do not want to commit until a determination has been made regarding the availability of land. The City should move ahead and let the Museum know whether the land being looked at can meet the needs of people who want to tour so the Museum can take the information to major donors.
- Chris Cherches City Manager explained that the last communication on funding was a letter previously sent to the Museum indicating that when the funding effort was resolved and funding was in place, a site would be there.
- Council Member Fearey Council Member Fearey stated that the Museum would hold a meeting today at 11:30 a.m., following that meeting, some concrete information will be brought to City Staff.

NEW BUSINESS

PAVE FLORA PETITION TO PAVE FLORA, FROM THIRD STREET TO ST. LOUIS STREET. (District IV)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 02-1703

The signatures on the Petition represent 17 of 21 (81%) resident owners and 74.64% of the improvement district area. District IV Advisory Board held a July 17, 2002, neighborhood hearing on the Petition. The Board voted 6-0 to recommend approval.

The project will serve a residential area.

The estimated project cost is \$151,000, with \$114,820 assessed to the improvement district and \$36,180 paid by the City. The method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.43 per square foot. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Gale moved that the Petition be approved; the Resolution be adopted; and selection of a design
-- carried engineer be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-371

Resolution of findings of advisability and Resolution authorizing improving Flora from the north line of St. Louis Avenue to the south line of Third Street North, 472-83621, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 206

WATERLINE

PETITION TO CONSTRUCT A WATERLINE ALONG CAREY LANE, WEST OF SENECA. (District IV)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1704

The signatures on the Petition represent 2 of 3 (66.67%) resident owners and 37.26% of the improvement district area. District IV Advisory Board held a July 17, 2002, neighborhood hearing on the Petition. The Board voted 6-1 to recommend approval.

The project will provide water service to an office building, training facility, and undeveloped tracts. Area property owners have reported that the private well water quality is very poor.

The estimated project cost is \$78,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.19 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Roger Mendenhall

Roger Mendenhall, owner of a majority of the land the waterline crosses, spoke in opposition to the benefit district of which he would presently pay 63 percent of the cost. He would be in favor of the project if the benefit district could be reduced to 150 feet where he could plat along Carey Lane.

Bob Dunes

Bob Dunes, Carpenters Union, said there is no water to use at the training facility. The Union would not object to a reduction per Mendenhall's request.

David Stevens

David Stevens, Carpenters Union, said there was no opposition to changing the benefit district.

Karl Peterjohn

Karl Peterjohn spoke regarding a discrepancy in the oral presentation figures and those in the Agenda Report.

Mike Lindebak

City Engineer said the Agenda Report numbers were correct.

The City Engineer also said the 150 feet request by Mendenhall could be accommodated.

Motion --

-- carried

Gale moved that the Petition be approved; the Resolution with amended improvement district be adopted; and selection of a design engineer be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-372

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89710, (along Carey Lane, west of Seneca) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 207

EAST BANK

EAST BANK MASTER PLAN.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1705

On July 2, 2002, the City Council approved Riverwalk, L.L.C. as the preferred developer for the East Bank Redevelopment Area and authorized a Memorandum of Understanding and Agreement to Negotiate Exclusively (MOU) with the developer. The MOU does not itself create an obligation for public funding, but rather establishes a basis for negotiating possible public investment that will only be obligated in the final development agreement.

The City has obtained options on the real property needed for the development of the project pursuant to previous City Council action and entered into negotiations with the Preferred Developer. During the course of negotiations, it has been determined that a master plan is required to more accurately identify the scope of the project and the costs for the public and private development. Given the project location and complexity of the proposed development, a prudent approach to the development requires more definitive information on the public development costs before proceeding further with contract negotiations with the preferred developer. This will permit both parties to obtain more precise estimates of the cost of development and determine the project schedule which should be included in the final developer agreement.

The City publicly advertised a competitive Request for Proposals for a firm to provide master planning services. Six firms submitted proposals for consideration. A Screening and Selection Committee interviewed the top three firms and has recommended the master plan contract be awarded to Gossen Livingston Associates, Inc.

The cost of the master plan is \$65,000 plus \$3,600 for reimbursables. The costs would be shared equally between Riverwalk, L.L.C. and the City. Funding for the City share (\$32,500 plus reimbursables of not to exceed \$1,800) is budgeted and available from the Economic Development Market Studies Fund (\$17,625) and the Economic Development Fund (\$16,675).

A bonding resolution is required to incur costs for the project.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Mayor Knight

Mayor Knight said this Plan could change downtown and increase property values. The most common characteristic of the most successful cities, regions, and states, is the willingness to pay the price of success. Mayor Knight asked the City Council to support the Item.

Council Member Pisciotte

Council Member Pisciotte said a master plan is needed so issues regarding where funding is to come from can be answered.

Council Member Fearey

Council Member Fearey said funds are available and have already been set aside. This is a chance to keep a major employer in the downtown area. The Study can be used even if terms can not be agreed upon for this proposal.

Council Member Martz

Council Member Martz said he did not agree with this issue. This is the wrong project at the wrong time. This project is not one he would like to see in this area. A master Plan is in line. Economic development is also necessary for the downtown area; however, he is opposed to this particular project.

Council Member Gale

Council Member Gale said there is still a gap of 50 percent of the funding and he was having difficulty seeing where the City would get the funds.

Council Member Brewer

Council Member Brewer stated that the City should stay focused on a plan for the future – this plan is a good investment.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 208

Council Member Lambke Council Member Lambke said he could not support this issue and would probably not support the final plan. This Item should be paid for by the proposed developer.

Motion -- Knight moved that the Contract be approved and the Bonding Resolution be adopted. Motion
-- carried carried 4 to 3. (Gale, Lambke, Martz – No)

RESOLUTION NO. 02-373

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay a portion of the costs of developing a master plan for the redevelopment of the East Bank Redevelopment Area, presented. Knight moved that the Resolution be adopted. Motion carried 4 to 3. Yeas: Brewer, Fearey, Pisciotte, Knight. Nays: Gale, Lambke, Martz.

(Addendum 5a)

BENTLEY MEADOWS RESOLUTION REGARDING BENTLEY MEADOWS ADDITION.

Jack Brown Director of Environmental Health reviewed the Item.

Agenda Report No. 02-1731

A plat has been submitted known as Bentley Meadows Addition that would allow the development of 36-40,000 square foot (approximately one-acre) lots on an 49 acre tract located in close proximity (3/4 mile) to the City of Bentley in the East half of the Northeast quarter of Section 14, Township 25 South, Range 2 West, Adgwick County. The proposed development would allow each lot to have individual water supply well and septic system consisting of a septic tank and lateral field. The proposed site overlays the Equus Beds aquifer, the principal source of freshwater for the site area, as well as for a four county area in south-central Kansas, including the City of Wichita. Additionally, three of the City's public water supplies are located within close proximity of the proposed subdivision.

The proposed Bentley Meadows development is designed to allow the use of septic systems which are an effective way to remove heavy materials and bacteria from wastewater, but such systems do not effectively remove nitrates, chlorides, domestic solvents and other chemicals. Given the relatively high groundwater levels, and the dense concentration of septic systems proposed for this development, there is an almost certain risk that these chemicals will migrate into the groundwater. Such migration will pose a serious threat to the City's water supply.

Another problem associated with this development is the use of water supply wells. It is estimated that collectively these wells will use about 12.5 million gallons of water (per year) which will reduce the amount of the water in the aquifer available to other existing water rights, including the City of Wichita water supply wells.

Because of the potential threat for groundwater pollution from the dense septic tank spacing proposed for this development, and its potential impact on diminishing water quantity in the aquifer, there is a legitimate cause for concern over protecting this invaluable and irreplaceable water source. In addition, the potential harm and impact to the City of Wichita's water supply wells created by the proposed Bentley Meadows plat and the proposed zoning changes associated with the reduction in the lot size within the development is yet another concern.

None involving the Resolution. Such action could result in significant expense for the future to protect the Equus Beds.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 209

Motion --
-- carried

Knight moved that the City oppose this development's use of individual water supply well and septic system; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-382

A Resolution of opposition to the Bentley Meadows Addition and protection of the environmental resources of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RECESS

The City Council recessed at 10:42 a.m. and reconvened at 10:53 a.m.

BUDGET

2003 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2002 BUDGET.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 02-1706.

The City Council has received public comments on the proposed 2003/2004 budgets. On July 16, 2002, the City Council placed the budget ordinances on first reading, authorized the publication of the hearing notices, and set the maximum mill levy for the 2003 City budgets.

2003 Operating Budget. The proposed 2003 annual operating budget has been published at \$354,301,280. Interfund transactions and appropriated fund balances increase this amount to \$471,183,935. The inclusion of the expendable trust funds, as required by State Law, is an additional \$50,311,130 for a total of \$521,495,065. As published, the budget will necessitate a mill levy of 31.474, no change from the levy requirement for the 2002 adopted budget.

The General Fund property tax levy is \$49,573,530 (including a delinquency allowance) at an estimated 21.359 mills. The levy for the Debt Service Fund is \$23,085,370 (including a delinquency allowance) and is estimated at 10.000 mills. The proposed budget for the Self-Supported Municipal Improvement District (SSMID) for downtown requires a tax levy of \$649,420. The estimated mill levy rate is 7.362 mills. Ad valorem tax increments to be collected from the Gilbert and Mosley and North Industrial Corridor tax increment districts are \$2,670,040 and \$1,165,300, respectively.

Jointly Funded Budgets. The General Fund includes City of Wichita contributions to the jointly funded City-County budgets, as identified in the table below.

	<u>City Share</u>	<u>County Share</u>	<u>Revenue</u>	<u>Total</u>
Flood Control	745,120	745,120	0	1,490,240
Metropolitan Area Planning	700,670	700,670	255,430	1,656,770

It is necessary for the City Council to approve joint agreements to continue these functions. The County Commission is expected to likewise approve the County share of these functions. An interlocal agreement between the City and County assigning the respective transitional obligations for public health services requires the City to pledge quarterly payments of \$250,000 each to Sedgwick County.

2002 Revised Budget. Some revisions in the 2002 budget are proposed. Increased expenditure authorizations are needed for four funds. All revisions have been incorporated into the proposed 2002/2003 budget document as "2002 revised" amounts.

1. The Special Alcohol Programs Fund increases \$862,070 to accommodate earlier actions by the Council to implement a case management system for client tracking subsequent to receiving treatment services, and to make available \$250,000 for innovative pilot programs in the area of alcohol dependency treatment.
2. The Economic Development Fund increase of \$3,962,820 is necessary to affect the economic incentive program for lower air fares previously approved by the Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 210

3. The Equipment Motor Pool Fund (Fleet) is increased \$5,233,840. The Fire Fleet Maintenance operation has been merged with the rest of the City's operation. The budget has been adjusted upward and is offset by a transfer from the General Fund. Due to the continuing fluctuation in fuel prices, a contingency is included for increased fuel costs. Finally, contingencies are included for flexibility and to implement elements of the Fleet Study, as needed.

4. The Stationery Stores Fund requires an additional \$455,970. The new all-in-one printer/copiers create a financial shift. The IT Fund formerly received revenue from network printers. Many of these have been replaced by copiers, the revenues for which are accounted for in the Stores Fund. Beginning in 2003, major components of Stationery Stores will be consolidated into the IT Fund.

Publication of the notice of formal hearing on August 2 set the maximum dollars that may be expended in each fund. The City Council may reduce expenditures required (and proposed tax dollars to be levied) but not increase expenditures previously established.

Publication requirements of State law for the final (formal) public hearing have been met. Appropriate disclosure is included within the ordinance of property tax increases not related to assessed value added by improvements, appreciating personal property and/or annexation. Following final Council action on the proposed budget, proper certification will be made of the property taxes to be levied in conformity with State law.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Karl Peterjohn

Karl Peterjohn said tax increases on property are a concern to citizens. Another concern is the use of SSMID funds to promote the downtown arena.

Steve Anthimedes

Steve Anthimedes urged approval of the reduction of downtown taxes.

Council Member Fearey

Council Member Fearey said she had received many phone calls on the school resource officers. The City Council is aware of this issue and will keep looking at trying to work with the school district on ensuring that our schools and our school children do have the services of these officers available to deal with their needs and to be the excellent roll models that they have been for our children. These positions are funded through the next school year and the City Council will continue to look and see whether there is anything that can be done to help keep officers in our schools as the need to keep officers on our streets issue continues to be weighed.

Motion --

Knight moved that the public hearing be closed; the 2003 budget (with amendment of SSMID to 5.907 mills), amendments to the 2002 adopted budget, the joint agreements with Sedgwick County; the use of local funds for WSU, and tax increment financing for Gilbert and Mosley, North Industrial Corridor and SSMID be approved; the necessary signatures be authorized, and the Ordinances be placed on their passages and adopted. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 45-372

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2003, and ending December 31, 2003, and relating thereto, and concurrently approving certain amendments to the 2002 adopted budget, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-373

An Ordinance making and filing an increment in Ad Valorem Taxes for the Gilbert and Mosley Site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 211

ORDINANCE NO. 45-374

An Ordinance making and filing an increment in Ad Valorem Taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2003, and ending December 31, 2003, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE NO. 45-375

An Ordinance making and fixing general tax levy for the downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2003, and ending December 31, 2003, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --
-- carried

Brewer moved that the appointment of Irma Markham (in place of Floyd Pitts) to BZA be approved. Motion carried 7 to 0.

Motion -- carried

Gale moved that the appointment of Rex Gray to DAB IV be approve. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum 19d, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 12, 2002.

Bids were opened August 9, 2002, pursuant to advertisements published on:

2002-2003 CDBG parking lot asphalt resurfacing improvements - north of 31st Street South, east of Meridian. (472-83600/602453/602455/602460/602462/602471/620333/800204/662456) Traffic to be maintained during construction using flagpersons and barricades. (District I, III & VI)

Kansas Paving Company - \$156,100.00 (Engineer's estimate)

Sewer reconstruction in connection with paving Alley between Mead and Mosley from 11th Street North to 10th Street North to serve Sankey and McCall's Addition - east of Broadway, south of 13th Street. (468-83190 /620299 /660424) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$55,231.00

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Agricultural Disc, 28 Foot. (184119)

Andale Equipment - \$24,900.00 (Total net bid)

AIRPORT DEPARTMENT/BUILDING MAINTENANCE DIVISION: Boiler Retubing. (190025)

Wichita Burner, Inc. - \$20,484.00 (Total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 212

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Furnish and Install Basketball Safety Wall Padding. (785023)

B&C Sports - \$14,994.00 (Total net bid)

FINANCE DEPARTMENT-IT/IS DIVISION: Imaging Project. (792168)

Compaq Computers* - \$16,407.00

*State of Kansas Contract WSCA (90-00151). Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements, Ordinance No. 38-122 Section 2.64.020(j).

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Escort Service

Debra Dicus A Touch of Class 304 South Laura

Motion --
-- carried

Knight moved that the license be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Special Events August 24 and August 30, 2002

Clay Baxter Brane Concessions Inc. 230 North Mosley
Old Town Farm & Art Market

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

LIC. FEE WAIVER

WAIVER OF LICENSE FEE.

Agenda Report No. 02-1707

City Code, Section 3.08.040 regulates the license fee for circuses, rodeos, wild animals, shows and exhibitions, carnivals or street fairs on any premises or in any building or structure within the City. The fee for such an event is one hundred dollars but can be waived by City Council action.

On August 17, the Atwater Neighborhood City Hall will be the location for a Community Unity Day. This event brings together many social service organizations such as Family Services Institute, Free to Know Breast Cancer Foundation, Center for Health and Wellness, Wichita Public Schools, Regional Prevention Center and others. City Departments will also be present to provide information on City services.

The Weed and Seed initiative, under the direction of Family Services Institute, is providing a carnival for area families. The carnival is an alternative activity for area youth and provides an opportunity for youth and families to connect with community and City services. City ordinance requires a license fee of one hundred dollars for this type of activity. City staff is requesting this fee be waived as the event is an opportunity to engage residents in the multitude of services that are available to assist children and families.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 213

Staff is requesting a license fee of one hundred dollars be waived for this event.

A fee waiver is permitted by City Council action.

Motion -- carried

Knight moved that the license fee waiver be approved. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2002-2003 CDBG street, curb, gutter and sidewalk improvements- asphalt repairs - north of Harry, east of Ridge Road. (472-83460/602410/620333 /800204/662456) Traffic to be maintained during construction using flagpersons and barricades. (District II, IV, V & VI) - \$92,000.00
- b) Wild Rose from the west line of Lot 56, Block 4, to the east line of Lot 75, Block 4, and the east line of Lot 13, Block 6; Forest Lakes from the south line of Lot 41, Block 3 and the south line of Lot 13, Block 6 to the south line of Wild Rose; Wild Rose Court from the north line of Wild Rose to and including the cul-de-sac serving Lots 56 through 69, Block 4; and construct a Sidewalk on the south side of Wild Rose, from the west line of Lot 56, Block 4, to the east line of Lot 13, Block 6 to serve Forest Lakes Addition - north of 29th Street North, west of Ridge. (472-82327/765744/490855) Does not affect existing traffic. (District V) - \$166,000.00
- c) 34th Street North from the east line of Lot 15, Block C, Ridge Port North Fourth Addition, east and north to the north line of Lot 17, Block B, Ridge Port North Fourth Addition; On Brookview from the north line of Lot 17, Block B, Ridge Port North 4th Addition, north and west to the east line of Ridge Port; On Ridge Port from the south line of Brookview, south to the north line of Lot 10, Block A, Ridge Port North 4th Addition; and on Lakeway from the north line of Brookview, north to the north line of the Plat; and on Brookview COURT, from the north line of Brookview, north to and including the cul-de-sac; and Sidewalk along one side of 34th Street North from the east line of Lot 15, Block C, Ridge Port North 4th Addition to the north line of Lot 17, Block B, Ridge Port North 4th Addition; and along one side of Brookview, Ridge Port, and Lakeway to serve Ridge Port North 4th Addition - south of 37th Street North, east of Ridge. (472-83409/765735/490846) Does not affect existing traffic. (District V) - \$615,000.00
- d) 127th Street East from a point 590 feet north of 21st Street North, north to the Major Entrance of said Addition, to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-83488/765715/490826) Street to be closed through construction. (District II) - \$128,000.00
- e) 127th Street East to serve Church of the Magdalen Addition - north of 21st Street North, west of 127th Street East. (472-83308/765726/490837) Street to be closed through construction. (District II) - \$80,000.00
- f) Lateral 88, Main 1, Southwest Interceptor Sewer to serve Bosley's First Addition, Stardust Addition, and Unplatted Tract - along Broadway, north of MacArthur. (468-82967/743793/480481) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$200,000.00
- g) 2002-2003 CDBG street, curb, gutter and sidewalk improvements-sidewalk repairs - north of Central, east of Arkansas. (472-83461/602410/800204) Traffic to be maintained during construction using flagpersons and barricades. (District I & VI) - \$100,000.00
- h) 2002 Contract maintenance pedestrian bridge at Murdock and Westlink over the Westlink Tributary to Cowskin Creek - north of Central, east of Maize Road. (472-83473/132712/) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$50,000.00

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 214

- i) Southeast Water Transmission Main Phase II - Along K-15 from Kansas Turnpike to Pawnee. (448-89698/633740/751884) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$4,500,000.00
- j) Main 13, Sanitary Sewer #23, Phase I - north of 37th Street North, east of Hydraulic. (468-83262/624072 /651539) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$1,083,200.00
- k) Four Mile Creek Sanitary Sewer Improvements-CIPP/Phase - north of Central in 143rd Street East. (468-83470/624076/652538) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$370,935.00
- l) 2002 Contract maintenance curb & gutter and Miscellaneous Street Repairs (at various locations City wide) (north of 55th Street South, east of 135th Street West. (472-83613/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V&VI) - \$300,000.00
- m) 2002-2003 CDBG street, curb, gutter and sidewalk improvements - north of Harry, east of Arkansas. (472-83462/602410/800204) Traffic to be maintained during construction using flagpersons and barricades. (Districts III & VI) - \$221,500.00
- n) 2002 sanitary sewer rehabilitation, Phase E - in Kellogg at Sheridan. (468-83445/620347/662470) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$228,375.00
- o) Water distribution system to serve Flat Creek Addition - north of Pawnee, east of 119th Street West. (448-89583/735070/470740) Does not affect existing traffic. (District V) - \$130,000.00
- p) Water distribution system to serve Ridge Port Commercial Park and Ridge Port Second Addition - north of 29th Street North, west of Ridge. (448-89699/735069/470739) Does not affect existing traffic. (District V) - \$125,000.00
- q) Water supply line in Central from 143rd Street East to 159th Street East - in Central from 143rd East to 159th East. (448-85991/633734/751830) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$812,466.00

Motion --carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated June 20, 2002 from Faith Village, Inc., a Kansas Corporation for a tract of land in Lot 2, Reid Addition, Wichita, Kansas (Private Project, OCA #607861). No cost to City.
- b) Utility Easement dated June 22, 2002 from Bencor/Harry-Broadway, LLC, Inc., a Kansas Limited Liability Company and Jacqueline Sue Adams as Trustee of the Pauline J. Storer Living Trust for a tract of land in Lot 1, Block A, Bencor 3rd Addition, Wichita, Kansas (Private Project, OCA #607861). No cost to City.
- c) Sanitary Sewer Easement dated July 18, 2002 from Triangle LLC for a tract of land in Lot 4, Block 1, Kansas Surgery and Recovery Center Addition (Private Project, OCA #607861). No cost to City.
- d) Utility Easement dated June 25, 2002 from Via Christi Property Services, Inc., for a tract of land in Lot 4, Block 1, Kansas Surgery and Recovery Center Addition (Private Project, OCA #607861). No cost to City.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized
Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 215

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF SANTA FE ORIENT INDUSTRIAL THIRD ADDITION – NORTH OF HARRY, EAST OF MERIDIAN. (District IV)

Agenda Report No.02-1708

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer service to an undeveloped industrial tract.

The Petition totals \$16,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-374

Resolution of findings of advisability and Resolution authorizing improving of Lateral T, Sanitary Sewer No. 8, (north of Harry, east of Meridian) 468-83479, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE 127TH STREET

PETITIONS TO PAVE 127TH STREET EAST, NORTH OF 21ST STREET. (District II)

Agenda Report No. 02-1709

On February 5, 2002, the City Council approved two Petitions to pave 127th Street East, north of 21st, to serve The Fairmont Addition, a new residential development, and a new church building. New Petitions have been submitted to expand the improvement districts to include two unplatted tracts that will be developed in the near future. The Petitions have been signed by three owners representing 100% of the improvement districts.

127th Street East, north of 21st, is an unpaved sand road.

Financial Considerations: The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-375

A Resolution amending Resolution No. 01-083, pertaining to the construction of paving 127th Street East from 21st Street North, north to the major entrance to the Church of the Magdalen Addition, 472-83308, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 216

RESOLUTION NO. 02-376

A Resolution amending Resolution No. 02-103, pertaining to the construction of paving 127th Street East from a point 590 feet north of 21st Street, north to the north line of Boxthorn 472-83488, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE RAY ALLEN ADDITION AND AN UNPLATTED TRACT – WEST OF HOOVER, NORTH OF 9TH STREET.

(District VI)

Agenda Report No. 02-1710

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will extend sanitary sewer service to a wood milling shop.

The Petition totals \$13,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-377

Resolution of findings of advisability and Resolution authorizing improving of Lateral 269, Main 5, Sanitary Sewer No. 22 (west of Hoover, north of 9th Street) 468-83480, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS

BOARDS/COMMISSIONS MINUTES:

Deferred Compensation Board of Trustees
Quarterly Meeting Minutes (Revised) 4-4-2002
District VI Advisory Board Minutes 6-3-2002, 6-19-2002
Wichita Employees' Retirement System 6-19-2002
Design Council 6-20-2002
Police & Fire Board Retirement System 6-26-2002
Board Of Appeals - Refrigeration, Air-Conditioning, Warm Air Heating
and Boilers 06-27-2002, 7-25-2002
Alternative Correctional Housing Advisory Board 6-27-2002
Board of Code Standards and Appeals 7-1-2002
Board of Park Commissioners 7-8-2002
Board of Electrical Appeals 7-9-2002
Board of Appeals-Plumbers and Gas Fitters 7-10-2002
Wichita Public Library 7-16-2002

Motion --carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 217

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 02-1731

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1. Victory In the Valley East vs. West Run
 Sunday, September 1, 2002 - 5:00 p.m-8:00 p.m.
 --First Street from Emporia to Rock Island
 --Second Street from Rock Island to St. Francis
 --St. Francis from Second to Third Streets
 --Third Street from St. Francis to Emporia
 --Emporia from Third Street to Douglas
2. Day of Remembrance, First Anniversary of September 11
 Wednesday, September 11, 2002 – 7:00-8:30 a.m.
 --McLean from First to Lewis Street
 --Douglas Street Bridge from McLean to Waco
3. 23rd Annual Wichita Half Marathon
 Sunday, September 22, 2002 – 7:00 a.m-8:30 a.m.
 --Sim Park Drive from Seneca to Cowtown
 --Remainder of race course will be on bike paths

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

CLAIMS ALLOWED REPORT ON CLAIMS ALLOWED – JULY, 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Kansas Gas Service	\$498.46**
Kansas Gas Service	\$421.21**
Kansas Gas Service	\$3,289.06**
Kansas Gas Service	\$3,701.85**
Kansas Gas Service	\$1,689.26**
Kansas Gas Service	\$441.18**
Crystalynn Moore	\$56.36
S&S Equipment Company	\$898.14
Marquerite Trask	\$60.00
Ethenna Wallace	\$511.20
Marcia Woolson	\$199.35
Erma Wulz	<u>\$491.64</u>
TOTAL	\$12,257.71

**Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 218

ELECTRICAL RATES PROFESSIONAL SERVICES SUPPLEMENTAL – ELECTRICAL.

Agenda Report No. 02-1711

The City has undertaken a number of strategies to pursue the goal of reduction of electrical rates. The City has actively participated in cases before the Kansas Corporation Commission and the Federal Energy Regulatory Commission. The City has used the services of the law firm of Triplett, Woolf & Garretson, LLC to provide legal advice and assistance in electrical strategies and electrical rate proceedings under prior contracts for legal services.

This Supplemental Agreement provides for the payment for the services of the firm of Triplett, Woolf & Garretson for electrical power advice and representation in electrical proceedings. The agreement also covers the cost of related expenses necessary for these proceedings.

The Supplemental Agreement is for a not-to-exceed sum of \$21,900. Payment for these services will come from general fund appropriated reserves.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

WATER STUDY

WATER TREATMENT PILOT STUDY.

Agenda Report No. 02-1712

On October 3, 2000, City Council authorized projects for development of water supplies to meet the City's water needs through the year 2050. The Integrated Local Water Supply Plan (ILWS) includes utilizing several local water supply sources. A major component of the plan is to recharge the Equus Beds Wellfield using water from the Little Arkansas River. The project envisions capturing and recharging 100 MGD from the Little Arkansas River using wells adjacent to the river, or pulling water directly from the river.

Several treatment techniques are available that will clean up water withdrawn from the river. During the recharge demonstration project, a "conventional" water treatment plant was used to successfully treat the surface water. Staff, however, believes that a technology called "ballasted flocculation" can do a better job for less cost. To determine the effectiveness of the technology, pilot testing on river water is needed. Staff has negotiated a contract with U.S. Filter, the proprietor of the technology, to have them deliver a trailer-mounted pilot plant to a recharge site and to train Staff and consulting staff in the operation of the unit.

The proposal submitted by U.S. Filter is to provide the pilot unit for \$5,000 for the first week, and for \$1,250 for each additional week. A two-month test period will cost \$13,750. Shipping charges to deliver the unit will be in addition. Funding is available in the CIP W -549, Water Supply Plan Phase III.

City Council approval is required for projects that exceed \$10,000. The Proposal will be reviewed and approved by Law.

Motion --
-- carried

Knight moved that the proposal be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 219

RESPREAD AGMT. AGREEMENTS TO RESPREAD ASSESSMENTS – WILSON FARMS THIRD ADDITION (SOUTH OF 21ST STREET NORTH, EAST OF ROCK ROAD); AND LEGACY PARK WILSON ESTATES (SOUTH OF 21ST STREET NORTH, EAST OF WEBB ROAD).

Agenda Report No. 02-1713

The landowners, Wilson Residential Company, L.L.C. and Laham Holding Company, L.L.C. have submitted two Agreements to respread special assessments within their ownership of Wilson Farms 3rd Addition and Legacy Park Wilson Estates.

The land was originally included in numerous improvement districts for a number of public improvement projects. The purpose of the Agreements is to respread special assessments to more fairly distribute the cost of the improvements.

There is no cost to the City.

Motion -- Knight moved that the Agreements/Contracts be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

(Addendum #19d)
NIC

NORTH INDUSTRIAL CORRIDOR CONTRACT AND AMENDMENT.

Agenda Report No. 02-1730

On November 14, 1995, the City signed a Settlement Agreement between the City and the Kansas Department of Health and Environment (KDHE) to conduct a Remedial Investigation and Feasibility Study (RI/FS) for the North Industrial Corridor (NIC) Site. To comply with the agreement the City Council approved a contract with the firm of Camp Dresser and McKee to perform environmental investigation.

The contract was amended, in September 1999, to address additional work required by KDHE and/or requested by the City and NIC Participants. On July 17, 2001, the City authorized Contract Amendment No. 2 to conduct additional field investigation efforts requested by KDHE, including data evaluations for the additional investigations; and preparation of detailed evaluations of potential responsible parties (PRPs) identified as a result of the investigations.

This third contract amendment will authorize CDM to finalize the Remediation Investigation and Feasibility Study and Baseline Risk Assessment and conduct additional field investigations at specific facilities requested by KDHE; develop pollution source control plans measures; and provide support to allocation efforts.

The requested funds are itemized by task. The funds projected for Amendment No. 3 total \$1,223,000. This work will not exceed the annual budgeted allocation.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES DESIGN SERVICES FOR MESSIAH BAPTIST CHURCH FOURTH ADDITION – NORTH OF 21ST, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. No. 02-1714

The City Council approved the project on June 18, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Messiah Baptist Church 4th Addition. Per

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 220

Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$14,256, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

DESIGN SERVICES FOR RIVERBANK IMPROVEMENT. (Districts I, IV, and VI)

Agenda Report No. 02-1715

On June 8, 1999, the City Council approved an agreement with Law/Kingdon, Inc. to provide architect services associated with the River Corridor Improvement project. On February 27, 2001, the City Council approved supplemental work to prepare construction plans for the various phases of the project. These services incorporated related projects such as the amphitheater and modifications to the River Corridor Master Plan.

This design work has been completed and the consultant service has been invoiced. prepared for the additional work. Funding is available within the adopted project budget.

The total cost of the additional work was \$427,845. The funding source is General Obligation Bonds.

Recommendation/Action: It is recommended that the City Council approve the payment Agreement, and authorize the necessary signatures.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CANAL ROUTE

CANAL ROUTE MANHOLE RECONSTRUCTION. (District I)

Agenda Report No. 02-1716

A 54-inch sanitary sewer main runs along the east side of the Canal Route, underneath and parallel to the I-135 bypass. The main pipe is high density, plastic-lined and in good condition; however, the manholes on the main are deteriorating and in need of repair.

The bases of the manholes can remain in place. The brick stacks, lids, and benches of the manholes all need various stages of rehabilitation and sealing to prevent further deterioration by hydrogen sulfide (H₂S) gases and to ensure structural stability. The area targeted for repair is from Douglas to 23rd Street North.

The project is included in CIP S-526, Canal Route Manhole Reconstruction, with a budget of \$560,000. The project will be done in phases with \$280,000 budgeted in 2002 and \$280,000 in 2003. Funding will come from future revenue bonds and/or Sewer Utility cash reserves.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-378

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$560,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 221

FOUR MILE CREEK FOUR-MILE CREEK PUMP STATION. (District II)

Agenda Report No. 02-1717

On March 6, 2001, the City Council approved the acquisition of Four Mile Creek sewer system including the Four Mile Creek Sewage Treatment Plant. Approximately 80% of the residents of the Four Mile Creek sewer district live in the Wichita City Limits. On March 20, 2001, City Council approved a contract for improvements to the acquired sewer system and the Four Mile Creek facility.

A sanitary sewage lift station, along with accompanying gravity and force mains, was recommended to provide service to the expanding growth area in east Wichita. The service area will be approximately 5.5 square miles. The sewage from the service area will be treated at the Four Mile Creek facility and eventually, the Crestview Lift Station on 13th Street will be abandoned.

The Four Mile Creek Wastewater Treatment Plant (CIP S-532) is included in the 2003 approved CIP. Total budget for the project is \$4,400,000. The 2002 budget has \$500,000 allocated, with \$1,500,000 in 2003, and \$2,400,000 in 2004. The project will be funded from Sewer Utility revenues and reserves and/or a future revenue bond issue.

Motion --

Knight moved that the expenditure be approved; the Resolution be adopted; and the necessary signatures be

-- carried

authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-379

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$4.4 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PED. BRIDGES

PEDESTRIAN BRIDGES OVER THE ARKANSAS AND THE LITTLE ARKANSAS RIVERS.

Agenda Report No. 02-1718

The River Corridor Improvements include a project to build two pedestrian bridges over the Arkansas River and the Little Arkansas River at the confluence of the two Rivers. On November 20, 2001, the City Council approved an agreement with the Kansas Department of Transportation to participate in project funding using Federal Grants. A supplemental City/State agreement has been prepared to reflect additional Federal funding available for the project.

The two bridges will have spans of 320 feet and 240 feet. They will link Exploration Place, the Mid-America All-Indian Center and the east bank of the River. The proposed bridge design is a cable-stayed structure that will compliment both the architecture and function of Exploration Place and the art, architecture and culture of the Mid-America All-Indian Center.

The project budget is \$4,000,000, with \$1,960,000 paid by the City and \$2,040,000 paid by Federal Grants administered by the Kansas Department of Transportation. The City portion of the project was previously initiated as part of the Riverbank Improvement project. The funding source for the City share is General Obligation Bonds.

Motion --

Knight moved that the project and Agreement be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 222

RESOLUTION NO. 02-380

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the construction of pedestrian bridges over the Arkansas River, and the Little Arkansas River, north of First Street (472-83416), presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

LEE AEROSPACE

ASSIGNMENT OF LEASE – LEE AEROSPACE, INC. (District II)

Agenda Report No. 02-1719

On July 13, 1999, City Council approved the issuance of Industrial Revenue Bonds, Series VI, 1999, to finance improvements for the benefit of Lee Aerospace, Inc., in an amount of \$3 million. The bonds were issued for the purpose of financing an expansion project located at 9232 E. 34th Street North. In connection with the issuance of the bonds, the Issuer leased the Project to James E. Lee, pursuant to a certain Lease dated December 1, 1999. In January 2000, the Project was subleased to Lee Aerospace, Inc. For financial reasons, James Lee requests City Council consent to an assignment of lease by James E. Lee to Lee Real Estate LLC.

James Lee desires to assign all of his right, title, and interest to Lee Real Estate, LLC. Under the terms of the Lease, James Lee will remain fully liable for the performance of the Tenant's duties.

There is no financial impact to the City resulting from the requested change.

Bond Counsel has prepared, and the City Attorney's office has reviewed and approved as to form, the Resolution and the instruments authorized thereby. Bond Counsel has advised that Intrust Bank, N.A., as bondholder, has consented to the assignment.

Motion --
-- carried

Knight moved that the Lease Agreement be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-381

A Resolution of the City of Wichita, Kansas, consenting to an assignment of lease in and to a certain project acquired, constructed and installed with the proceeds of its Taxable Industrial Revenue Bonds, Series VI, 1999 (Lee Aerospace, Inc.) by James E. Lee, an individual, to Lee Real Estate, LLC; approving the form of a certain guaranty Agreement between Lee Real Estate, LLC, and Intrust Bank, N.A. and certain ratifications of Guaranty Agreement; authorizing the City of Wichita, Kansas to execute an acknowledgement and consent of issuer; authorizing the execution of all such other documents necessary to give its consent to the assignment of Lease by Lee Aerospace, Inc. to Lee Real Estate, LLC, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

LAB TESTING

LABORATORY TESTING CONTRACT.

Agenda Report No. 02-1720

The Police Department has collected evidence in a criminal investigation that required specific laboratory testing.

The testing to properly evaluate the evidence in this case is highly specialized, performed by a handful of laboratories in the United States. Based on an agreement between the District Attorney and defense counsel, Mitotyping Technologies, located in State College, Pennsylvania, was chosen to perform the laboratory analysis. To avoid unnecessary delays and because of the agreements of legal counsel, the City Manager approved the testing as a public exigency.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 223

The Police Department budget does not include funds for laboratory testing. Reductions in several Police Department line items can be made to finance this laboratory testing.

City Code Section 2.64.020 allows the City Manager to approve purchases in excess of \$10,000 due to public exigency. Budget adjustments in excess of \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the public exigency and Contract be approved; and the budget adjustment be authorized. Motion carried 7 to 0.

POLICE VESTS

2002 BULLETPROOF VEST PARTNERSHIP GRANT.

Agenda Report No. 02-1721

The Department of Justice has awarded the City of Wichita \$2,553.44 under the 2002 Bulletproof Vest Partnership (BVP) grant. The BVP provides funds annually for law enforcement agencies to purchase bulletproof vests, in an effort to reduce injury and death to law enforcement officers.

NIJ-approved vests purchased by the Police Department from January 1, 2001 through December 31, 2001 were included in the grant application. This is the second year that the City has been awarded these grant funds. The funding will be used to purchase additional NIJ-approved vests for officers.

The City of Wichita has been awarded \$2,553.44 for the total cost of bulletproof vests included in the application.

There are no financial considerations.

Motion --
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 6, 2002)

a) Kansas Sports Hall of Fame. (District V)

ORDINANCE NO. 45-376

An Ordinance authorizing the City of Wichita, Kansas, to issue certain General Obligation Bonds of the City in an amount not to exceed One Million Four-Hundred Thousand Dollars (\$1,400,000) for the purpose of acquiring the real property and existing improvements located at 238 North Mead Avenue in the City of Wichita, Sedgwick County, Kansas, and repairing, renovating and further improving said property for use by the Kansas Sports Hall of Fame, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

b) Reduction of Northeast Redevelopment District Boundaries – Tax Increment Financing. (District I)

ORDINANCE NO. 45-377

An Ordinance of the City of Wichita removing property from the 21st and Grove Redevelopment District, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 224

- c) ZON2001-66 – north side of MacArthur Road, East of I-135. (District III)

ORDINANCE NO. 45-378

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00066

- d) ZON2002-00030 north of Harry, East of Sabin. (District IV)

ORDINANCE NO. 45-379

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00030

- e) A02-12 – one-fourth mile east of 127th Street East, North of Harry. (District II)

ORDINANCE NO. 45-380

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-12

PLANNING AGENDA

SUB2002-22

SUB2002-22 – PLAT OF HIDDEN GLEN ADDITION – WEST SIDE OF HYDRAULIC, BETWEEN 44TH AND 45TH STREETS SOUTH. (District III)

Motion --
-- carried

Lambke moved that this item be deferred until Item goes to DAB and the paving petition is approve
Motion carried 7 to 0.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Knight moved that the Airport Agenda be approved as consensus Items. Motion carried 7 to 0.

GRANT APP.

AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION – SAFETY BUILDING EXPANSION AND CCTV UPGRADE.

Agenda Report No. 02-1723

City Council has approved a project to expand the Safety Building and upgrade the CCTV. The Federal Aviation Administration (FAA) has reviewed and approved the project. A grant has been accepted for the design of the project.

Staff has prepared a grant application for the construction to submit to the FAA.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 225

The Airport is requesting \$1,040,263 in FAA funds be directed to reimburse the expenses. There are no matching funds required.

Motion --
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SAFETY BUILDING

SAFETY BUILDING EXPANSION – CCTV UPGRADE.

Agenda Report No. 02-1724

On November 20, 2001 City Council approved a project for security improvements. The Safety Building Expansion and CCTV upgrade were included in the approved project. A fire alarm control cabinet and upgrade to the older portion of the fire alarm system has been added to the project to provide better and continuous monitoring of the fire alarm network. The building control room, adjacent to the expansion, will be re-organized with the new CCTV and fire alarm equipment positioned to optimize space and will allow staff to monitor both the secured and non-secured areas.

The Staff Screening and Selection Committee interviewed two firms and selected Howard and Helmer Architects.

The cost of the design and bid phase services for the Safety Building Expansion and CCTV Upgrade is \$ 101,515 and is expected to be paid 100% with an FAA grant previously approved by City Council. The design of the fire alarm control cabinet and system upgrade is \$1,500 and will be funded with airport revenue. It is requested that the budget be increased by \$45,000 to include the fire alarm system upgrade. Airport Revenue will be used to pay for the fire alarm system upgrade.

The Law Department and the FAA will review and approve the contract.

Motion --
-- carried

Knight moved that the project, budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

USDEA AGMT.

U.S. DRUG ENFORCEMENT ADMINISTRATION – STATE AND LOCAL TASK FORCE AGREEMENT.

Agenda Report No. 02-1725

In 1991, the Wichita Airport Authority entered into an agreement with the Drug Enforcement Administration to participate in the area Drug Enforcement Task Force by providing one Airport Officer. The WAA pays the salary of the one officer, and the DEA supervises the officer and pays overtime and gasoline expenses.

The WAA's participation in this effort has been very beneficial to the community and its drug enforcement efforts. The agreement is for one year, commencing October 1, 2002, and terminating on September 30, 2003.

The salary of one Safety Officer is paid by the WAA, with up to \$9,801 in overtime paid by the DEA.

Motion --
-- carried

Knight moved that the Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 226

AIRFIELD PVMT.

AIRFIELD PAVEMENT – TERMINAL APRON PHASE I AND II.

Agenda Report 02-1726

On March 5, 2002, the City Council approved a bid submitted by Paver's Inc. in the amount of \$544,293 for the rehabilitation of the terminal apron (Phases I and II) and rehabilitation of Runway 1R/19L shoulders and blast pads on Wichita Mid-Continent Airport.

In the process of doing this work, it was determined that an elevated concourse column had deteriorated below the existing pavement, and required repair. In addition, it was determined that spalling on a retaining wall and problems associated with a water line conflict on the east terminal apron (Phase I), needed to be corrected. As a result, change orders to the original bid are required.

The change orders and staff inspection time will require a budget increase of \$30,000. The project is being funded with an approved FAA grant and Passenger Facility Charges. Airfield pavement is included in the 2002 Capital Improvements Program and will allow for the requested increase.

The agreement will be approved by the Law Department and is being reviewed by the Federal Aviation Administration.

Motion -- carried

Knight moved that the capital budget increase be approved. Motion carried 7 to 0.

SWISSPORT CFE

SWISSPORT CFE – CARGO BUILDING AGREEMENT.

Agenda Report 02-1727

The 31,500 sq. ft. cargo building on Wichita Mid-Continent Airport is occupied by 15 tenants. Until recently, the space located at 2211 Air Cargo Road was occupied by Wichita Air Cargo. Swissport subleased space from Wichita Air Cargo, and is now interested in assuming the lease agreement on a direct basis.

Swissport has arrangements with both Emery and United Parcel Service on Wichita Mid-Continent Airport to provide ground handling services for loading/unloading cargo for these two companies.

The agreement commences August 26, 2002 and terminates on June 30, 2005. Swissport has the option of terminating the agreement prior to June 30, 2005, upon giving the WAA written notice of termination. Swissport will be responsible for rental and other expenses associated with the agreement for six months subsequent to the written notice to terminate. Rental is \$7.50/sq.ft., for an annual rental amount of \$11,250.

Motion --
-- carried

Knight moved that the Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CHANGE ORDER

CHANGE ORDER 0115A – FAA CONTRACT NO. DTFA09-91-L-10547 (USE OF SPACE AT 1801 AIRPORT ROAD).

Agenda Report No. 02-1728

The Wichita Airport Authority has an agreement with the Federal Aviation Administration for use of space at 1801 Airport Road. This facility is occupied by four Federal agencies including Airway Facilities Sector/Nav Com, Flight Standards District Office, Manufacturing and Inspection District Office, and the Wichita Aircraft Certification Office. The building was constructed in 1984.

The FAA is desirous of making improvements in the Wichita Aircraft Certification Office area. The changes include some remodeling to accommodate current needs, carpet and curtain replacement, as well as some electrical work.

CITY COUNCIL PROCEEDINGS

JOURNAL 176

AUGUST 13, 2002

PAGE 227

The Federal Aviation Administration will reimburse the WAA for the actual cost of the project, including an administrative fee. Bids for this project will be taken in the near future, and presented to the City Council for approval. The estimated budget for the FAA reimbursable cost is \$73,060.

Motion -- Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion
-- carried carried 7 to 0.

SYSTEM PLANNING AIRPORT SYSTEM PLANNING CONTRACTS.

Agenda Report No. 02-1729

The Council previously approved a review of the City's Master Plan for Mid-Continent and Jabara Airports. The Wichita Airport Advisory Board had recommend that consultants be secured to assist the City Council and Staff in reevaluating future needs and directions of its airport facilities. The growth of passenger traffic at Mid-Continent Airport, together with the need to modernize its facilities and incorporate mandated security measures, has brought forth an immediate need to adjust facility planning and improvements.

To accomplish this major planning task, several contracts are presented: (1) Wichita Mid-Continent Airport Master Plan Update; (2) Jabara Airport Master Plan Update; (3) Terminal area planning and design; (4) Terminal area schematic design; (5) Terminal facility security planning. It is estimated that the entire process will be completed in one year and that a decision will be forthcoming on whether to remodel the terminal building or build new. Community organizations and individuals will participate in the planning process.

The Federal Aviation Administration is desirous of assisting in the planning for pure public use areas of the airports. A combination of FAA grants, passenger facility charges, G.O. Bonds and airport revenue will be used to accomplish the planning and design work. Although final figures are not yet determined, it is estimated that this entire process will call for an expenditure approximating \$2,384,000. It is anticipated that the FAA will participate in the cost of this planning project. A team headed by HNTB has been selected to accomplish the task.

Motion -- Knight moved that the Grant Contract be approved; the operating and capital budgets be adjusted; and
-- carried the receipt of grant funds and necessary signatures be authorized (subject to FFA approval. Motion
carried 7 to 0.

EXECUTIVE SESSION

Motion -- Knight moved that Council recess to executive session to consider consultation with legal counsel on
-- carried matters privileged in the attorney/client relationship relating to potential litigation and legal advice; and
return no earlier than 11:40 a.m. Motion carried 7 to 0.

RECESS The City Council recessed at 11:25 a.m. and reconvened at 11:50 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:50 a.m.

Pat Burnet CMC
City Clerk